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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,142	05/30/2001	Steven B. Smith	13660.17	4558
21999 7590 06/10/2009 KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			EXAMINER MADAMBA, CLIFFORD B	
			ART UNIT 3696	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/870,142

Applicant(s)

SMITH ET AL.

Examiner

CLIFFORD MADAMBA

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 11-15 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-15 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Status of Claims

This action is in reply to the remarks and amendment for Application 09/870,142 filed on 26 March 2009.

Claims 2-10, 16-31 stand cancelled.

Claims 1, 11, 32-34 have been amended.

Claims 1, 11-15, 32-34 are currently pending and have been examined.

Previous Claim Rejections - 35 USC § 101

Claims 1, 32-34 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Applicant has amended the claims to affirmatively state a category of statutory matter. The Examiner thanks the Applicant for the amendment. The rejection is withdrawn.

Response to Arguments

Applicant's arguments filed 26 March 2009 have been fully considered but they are not persuasive.

The Office has given consideration to the remarks and amendments made to the pending set of claims, but are considered moot in light of the grounds of rejection, provided below, for the current listing of claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 15 are rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), in further view of Wells et al., U.S. Patent 6,446,048 ("Wells").

[Claim 1] (currently amended) Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion to provide a running balance for real-time categorical financial decision making across a plurality of financial accounts, the method comprising:

- establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account using a processor device running computer language instruction sets stored on a computer readable medium (col. 3, lines 25-43);
- allocating recent transactions to a virtual account corresponding to the type of transaction (col. 3, lines 46-51; col. 4, lines 1-5);

Chancey doesn't explicitly disclose:

- allocating portions of a budget to each of the plurality of accounts using the processor device;

- automatically debiting the virtual account according to the transaction and crediting the virtual account when additional funds become available;

Wood, however, makes these teachings (see at least column 7, lines 17-22, lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey doesn't further disclose:

- automatically using a third-party Internet-connected gateway to repeatedly access a plurality of financial institutions and to repeatedly search on-line credit card account and on-line checking account records of a plurality of actual financial accounts maintained by the plurality of financial institutions for recent purchases;
- aggregating the search results using the gateway and displaying the search results over the Internet to a local processor device;
- wherein records of the recent transactions are automatically obtained from the financial institutions by the gateway;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26). Wells discloses as his invention a web-based entry of financial transaction information and subsequent download of such information. The present invention relates to the exchange of financial

information over a global communication network. More particularly, the invention relates to centrally storing financial information received from mobile users and subsequently providing that information back to the respective users so that it can be integrated into the user's personal finance software. Wells further discloses an embodiment wherein a third-party web-site could be communicatively linked via network, further wherein said web-site could be the web-site of a bank, a governmental agency and/or a commercial vendor or any web-site where financial transactions can occur electronically. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

[Claims 11-15] Claim 11 recites limitations already addressed by the rejection of claim 1 above, therefore the same rejection applies. Furthermore, Chancey discloses the structural elements of claims 11-15 that perform the recited functionality (col. 5, lines 43-46).

Claim 32 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), and further in view of Wells et al., U.S. Patent 6,446,048 ("Wells").

[Claim 32] (currently amended) Chancey discloses a forward-looking method for managing financial resources in an automated fashion for real-time categorical financial decision making across a plurality of actual financial accounts comprising:

- establishing a plurality of virtual financial accounts overlaid upon at least one actual financial account using a processor device running computer language instructions stored on a computer readable medium (col. 3, lines 25-43);

- allocating transactions to an account selected from the plurality of virtual accounts (col. 3, lines 46-51; col. 4, lines 1-5)

Chancey doesn't explicitly disclose:

- allocating a given amount of funding for each of the plurality of accounts using the processor device;
- automatically debiting or crediting the allocated fund amount according to the transactions allocated to the particular account and from the actual financial account as the transactions are obtained by the gateway;

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- using an Internet-connected gateway to access a plurality of financial institutions and to search on-line records of the plurality of financial institutions representing a plurality of actual accounts for purchases on credit card or other financial instruments;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-

26). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Claims 33-34 are rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), in view of Wells et al., U.S. Patent 6,446,048 ("Wells"), and further in view of Goldsmith, U.S. 6,064,990 ("Goldsmith").

[Claim 33] (currently amended) Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion for real-time categorical financial decision making across a plurality of actual financial accounts comprising:

- establishing a plurality of virtual financial accounts overlaid upon an actual financial account using a processor device running computer language instructions stored on a computer readable medium (col. 3, lines 25-43);
- allocating transactions to a virtual account corresponding to the type of transaction using the processor device (col. 3, lines 46-51; col. 4, lines 1-5);

Chancey doesn't explicitly disclose:

- allocating a given amount of budget for each of the plurality of accounts;
- automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available;

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- automatically periodically searching online financial records maintained by a plurality of financial institutions using an Internet-connected gateway for transactions made on a plurality of a user's credit cards;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Chancey doesn't further explicitly disclose:

- notifying the user of the transactions as record of the transactions are obtained from the financial institutions;

Goldsmith, however, makes this teaching (see at least column 1, lines 53-64; column 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine

the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, column 1, lines 51-52).

[Claim 34] (currently amended) Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion to provide a running balance for real-time categorical financial decision making across a plurality of actual financial accounts, the method comprising:

- establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account using a processor device running computer language instructions stored on a computer readable medium (col. 3, lines 25-43);
- allocating transactions to a virtual account corresponding to the type of transaction (col. 3, lines 46-51; col. 4, lines 1-5);

Chancey doesn't explicitly disclose:

- allocating portions of a budget to each of the plurality of accounts using the processor device;
- automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available when a new budgetary period begins.

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a

budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- automatically periodically searching online financial records maintained by a plurality of financial institutions using an Internet-connected gateway for transactions made on a plurality of a user's credit cards and notifying the user of the transactions;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Chancey doesn't further explicitly disclose:

- notifying a user over the Internet when a purchase on a credit card or other financial instrument has been made as records of the transactions are obtained by the gateway;

Goldsmith, however, makes this teaching (see at least column 1, lines 53-64; column 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, column 1, lines 51-52).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within

the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

Claims 1, 11-15, 32-34 are rejected.

Applicant's amendment necessitated the ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon, can be reached at 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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